

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

MARK S. HENRY,)	
)	
Plaintiff,)	8:15CV34
)	
v.)	
)	
CAROLYN W. COLVIN, Acting)	MEMORANDUM OPINION
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the Court for review of a final decision of the Acting Commissioner of Social Security ("Commissioner"), wherein the Commissioner denied plaintiff's request for disability insurance benefits. After careful review of the briefs, the record before the Court, and the applicable law, the Court finds that the Commissioner's decision should be affirmed.

BACKGROUND

On February 8, 2012, plaintiff filed an application for disability, alleging he was unable to work due to psychological impairments. His application was denied, and plaintiff sought reconsideration, a hearing before an Administrative Law Judge, and review of the decision by the Appeals Council. His claims were denied at each of the reviews.

STANDARD OF REVIEW

The Commissioner's decision will be affirmed "if the record contains substantial evidence to support it." *Edwards v. Barnhart*, 314 F.3d 964, 966 (8th Cir. 2003). "Substantial evidence is less than a preponderance, but enough that a reasonable mind might accept it as adequate to support a decision." *Haley v. Massanari*, 258 F.3d 742, 747 (8th Cir. 2001). "In determining whether existing evidence is substantial, [a court should] consider evidence that detracts from the Commissioner's decision as well as evidence that supports it." *Hutsell v. Massanari*, 259 F.3d 707, 711 (8th Cir. 2001). If the record reveals substantial evidence supporting the Commissioner's decision, then that decision should not be reversed merely because "substantial evidence exists in the record that would have supported a different outcome." *Id.* In other words, "[a]n administrative decision is not subject to reversal simply because some evidence may support the opposite outcome." *Pearsall v. Massanari*, 274 F.3d 1211 (8th Cir. 2001) (citing *Gwathney v. Chater*, 104 F.3d 1043, 1045 (8th Cir. 1993)).

The Court has reviewed the medical records, the briefs of the parties, and the findings of the Administrative Law Judge. The ALJ's analysis is consistent with *Polaski v. Heckler*, 739

F.2d 1320 (8th Cir. 1984) and other Eighth Circuit law relating to credibility determinations in social security cases. The ALJ's credibility determination was properly supported by substantial evidence in the record.

CONCLUSION

Because the decision is supported by substantial evidence, this Court will affirm the decision. The complaint will be dismissed. A separate order will be issued in accordance with this memorandum opinion.

DATED this 15th day of September, 2016.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court